

**Remarks and Arguments**

Claims 1-6 and 8-13 are pending in the Application. Claims 1-6 and 8-13 are rejected by Examiner. Claims 9 and 10 are amended to correct a typographical error. Support for these amendments is found throughout the specification and originally filed claims. No new matter is added by the amendments to the claims.

**Rejection of claims 1-3, 5, 6, 8-10, 12 and 13 under 35 U.S.C. 103(a)**

Claims 1-3, 5, 6, 8-10, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Garney (U.S. Patent No. 5,412,798) in view of Yamauchi et al. (U.S. Patent No. 5,661,823 hereinafter referred to as “Yamauchi”).

Applicants respectfully submit that for at least the following reasons, claims 1-3, 5, 6, 8-10, 12 and 13 are patentable over the combination of Garney and Yamauchi.

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the “consideration” of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely “consider” each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeals and Interferences has confirmed, a proper obviousness determination requires that an Examiner make “a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art.” See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The present claimed arrangement provides a device and method for indicating a current loading status of a removable media device provided for being loaded with at least one removable medium associated with a characteristic feature. The removable media device is connectable to a device for reading and/or writing AV storage media. Connection or disconnection of the removable device is detected. The current loading status of the removable media device is updated in case a connection or disconnection of the removable media device is detected. Whether a type of user input is related to the removable media device is checked upon occurrence of user input. The user input is not generated by the connection or disconnection of the removable media device. The current loading status of the removable media device is kept if the type of user input is not related to the removable media device. If the type of user input is related to the removable media device, it is checked whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed. The current loading status of the removable media device is kept if the characteristic feature of the at least one removable medium loaded in the removable media device has not changed. The current loading status of the removable media device is updated if the characteristic feature of the at least one removable medium loaded in the removable media device has changed. For the reasons presented below, Applicant respectfully submits that Garney and Yamauchi, taken alone or in any combination, fail to teach or suggest each feature of the present claimed arrangement.

Garney describes a method and apparatus for a computer system having dynamic device driver configuration for removable system resources. The computer system comprises a processor, a system memory and an interface for receiving removable system resources. A feature card has a card memory area which stores a device driver for controlling the feature card. The feature card device driver is separated into two parts: a full device driver portion and a stub device driver portion. The full device driver provides all of the device driver functionality necessary to control each and every function of the feature card. The device driver stub is a small compact portion of processing logic for linking the full device driver with operating system software located in the computer system. A fixed amount of system memory

RAM is set aside at bootstrap initialization to contain the device driver stubs. Device driver stubs corresponding to removed cards remain resident in system memory until a device driver stub cannot be loaded because the system memory set aside for the device driver stubs has been filled. At that time, enough of the system memory set aside for device driver stubs is reclaimed to permit the desired device driver stub to be loaded. Therefore, by allocating enough space in computer system memory to contain every device driver stub required by the system at a given time, and by reclaiming system memory occupied by removed card device driver stubs as the system memory is needed, one can avoid having to periodically reset the system by performing a bootstrap initialization procedure (see Abstract).

However, Garney fails to teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” as recited in claim 1 of the present arrangement. The Office Action cites column 14, lines 33-37 of Garney to show this feature. Applicants respectfully disagree. The cited portion of Garney merely describes recording an unidentified event when the hardware event is neither a card insertion nor removal event. Nowhere does Garney teach or suggest the current loading status of the removable media device and thus cannot teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” as recited in claim 1 of the present arrangement.

Garney also fails to teach or suggest “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement. The Office Action cites column 14, lines 58-61 of Garney to show checking whether a characteristic feature of the at least one removable medium has changed. The Office Action considers the feature card of Garney as the removable media device and the device driver of the feature card as the removable medium. However, Garney only describes checking the device driver during removal and insertion of a feature card. The device driver of the feature card in Garney is not

“the at least one removable medium loaded in the removable media device.” Additionally, unlike the present claimed arrangement, Garney merely checks whether the device driver for the newly installed card still resides in the computer system RAM. Garney does not check whether a characteristic feature of the at least one removable medium **loaded in the removable media device** has changed. Therefore, Garney fails to teach or suggest “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present claimed arrangement. Since Garney fails to teach or suggest “at least one removable medium loaded in the removable media device,” Garney also fails to teach or suggest “keeping the current loading status of the removable media device if the characteristic feature of the at least one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of the at least one removable medium loaded in the removable media device has changed” as recited in claim 1 of the present claimed arrangement.

Additionally, the Office Action concedes that Garney fails to teach or suggest “if the type of user input is related to the removable media device” and thus cannot teach or suggest “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement. The Office Action also concedes that Garney does not teach or suggest the user input and thus cannot teach or suggest “checking whether a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” as recited in claim 1 of the present arrangement. The Office Action cites Yamauchi in support of the assertion that the aforementioned features are taught when Yamauchi is combined with Garney. Applicants respectfully disagree.

Yamauchi describes an image data processing apparatus for converting a taken optical image of the subject into digital image data and recording into a memory card

incorporating semiconductor memories. The digital image data is stored in a large-capacity recording medium through an exclusive recording device, displayed in plural monitors, stored in a disk or magnetic tape by existing recording devices or compressed, expanded, edited or processed to satisfy user requests (see Abstract).

However, nowhere does Yamauchi (with Garney) teach or suggest the current loading status of the removable media device and thus cannot teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” as recited in claim 1 of the present arrangement. Therefore, Yamauchi, similar to Garney, also fails to teach or suggest “keeping the current loading status of the removable media device if the characteristic feature of the at least one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of at least one removable medium loaded in the removable media device has changed” as recited in claim 1 of the present arrangement.

In addition, contrary to the assertion in the Office Action, Yamauchi, similar to Garney, does not teach or suggest “checking whether a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” and “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement. The Office Action cites column 44, line 67 – column 45, line 11, column 48, lines 26-35, column 50, lines 37-41 and column 52, lines 3-8 of Yamauchi to assert that Yamauchi describes the above aforementioned features. Applicants respectfully disagree.

Column 50, lines 37-41 of Yamauchi merely describes the editing machine 600 is designed to receive operations of the exclusive keyboard 602a and remote control operation 602i, display the menu of functions on the display part 602h of the exclusive keyboard 602a and select a desired function from this menu. Column 52, lines 3-8

merely describes that upon retrieval, all input sources are displayed. The cited portion and elsewhere in Yamauchi does not check whether a type of user input is related to the removable media device. Therefore, Yamauchi cannot teach or suggest “checking whether a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” as recited in claim 1 of the present arrangement.

Column 44, line 67 – column 45, line 11 of Yamauchi merely describes pre and post processing necessary for input and output of data with the memory card and card type connector, confirmation of various pieces of information added to the data obtained from the memory card or card type connector and selection of bus to be connected with inside are automatically set or confirmed by the CPU before execution of data transfer or after completion of transfer. Column 48, lines 26-35 of Yamauchi further describes the operation processing of the CPU in data transfer. The present claim arrangement allows a more efficient way to predict an upcoming access to the removable medium loaded in the removable media device by checking a type of user input. If this type of user input is of a certain category, the current loading status of the removable medium device is checked by checking a characteristic feature of the removable medium. Unlike the present claimed arrangement, the cited portion and elsewhere of Yamauchi does not check whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed and does not check whether a type of user input is related to the removable media device. Therefore, Yamauchi, similar to Garney, fails to teach or suggest “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement.

Even if Garney and Yamauchi were combined, the combination, similar to the individual systems, neither teaches nor suggests the features of the present claimed arrangement. Specifically, the combination of Garney and Yamauchi, similar to the individual systems as discussed above, neither teaches nor suggests “checking whether

a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” as recited in claim 1 of the present arrangement. The combination of Garney and Yamauchi, similar to the individual systems, also neither teaches nor suggests “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” and “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement. The combination, similar to the individual systems, also fails to teach or suggest “keeping the current loading status of the removable media device if the characteristic feature of the at least one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of at least one removable medium loaded in the removable media device has changed” as recited in the present claimed arrangement.

Applicant respectfully submits that Garney and Yamauchi, taken alone or in any combination, fails to render obvious pending amended independent claim 1 under 35 U.S.C. §103(a) since all elements of the claims are not taught or suggested by the cited references.

Claims 2, 3, 5 and 6 add further distinguishing features to patentable claim 1. Claims 2, 3, 5 and 6 are dependent on claim 1 and are considered patentable for at least the reasons presented above with respect to claim 1. Thus, Applicants respectfully submit that claims 2, 3, 5 and 6 are also patentable over the cited art.

Independent apparatus claim 8 includes similar features to claim 1 discussed above and is considered patentable for at least the reasons presented above with respect to claim 1. Thus, Applicants respectfully submit that claim 8 is also patentable over the cited art.

Claims 9, 10, 12 and 13 add further distinguishing features to patentable claim 8. Claims 9, 10, 12 and 13 are dependent on claim 8 and are considered patentable for at least the reasons presented above with respect to claim 8. Thus, Applicants respectfully submit that claims 9, 10, 12 and 13 are also patentable over the cited art.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-3, 5, 6, 8-10, 12 and 13.

**Rejection of claims 4 and 11 under 35 U.S.C. 103(a)**

Claims 4 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Garney in view of Yamauchi and further in view of Edmondson (U.S. Patent No. 3,619,585).

Claim 4 adds further distinguishing features to patentable claim 1. Claim 4 is dependent on claim 1 and is considered patentable for at least the reasons presented above with respect to claim 1. Claim 11 adds further distinguishing features to patentable claim 8. Claim 11 is dependent on claim 8 and is considered patentable for at least the reasons presented above with respect to claim 8. Claims 4 and 11 are also considered patentable because Edmondson, similar to Garney and Yamauchi, fails to teach or suggest the present claimed arrangement. Specifically, Edmondson, similar to Garney and Yamauchi, fails to teach or suggest “checking whether a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” as recited in claim 1 of the present arrangement. Edmondson, similar to Garney and Yamauchi, also fails to teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” and “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement. Edmondson, similar to Garney and Yamauchi, also neither teaches nor suggests “keeping the current loading status of the removable media device if the characteristic



feature of the at least one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of at least one removable medium loaded in the removable media device has changed” as recited in the present claimed arrangement.

Edmondson describes a system for automatically rereading a particular location in a memory for a given number of times if an error is detected while reading data from this location. If an error does not occur during the reread cycles, the program continues and the succeeding memory locations are read in normal sequence. If an error still occurs in the data after the given number of reread cycles, a timer or counter automatically causes a second memory location to be accessed. The latter can institute instructions for program recovery or for performing some other task such as causing a printout of the address at which the error occurred. The second location may also be preset to a given bit pattern so that as an error continues, the data read can be used to analyze the cause of error (see Abstract).

The Office Action merely cites Edmondson to show that checking a characteristic feature of the at least one removable medium has changed is performed repeatedly in case an error status has been detected. However, Edmondson does not check whether a type of user input is related to the removable media device and thus, cannot teach or suggest “checking whether a type of user input is related to the removable media device upon occurrence of user input, wherein the user input is not generated by the connection or disconnection of the removable media device” and “checking whether a characteristic feature of the at least one removable medium loaded in the removable media device has changed, if the type of user input is related to the removable media device” as recited in claim 1 of the present arrangement.

In addition, Edmondson, similar to Garney and Yamauchi, also fails to teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” and “keeping the current loading status of the removable media device if the characteristic feature of the at least

one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of at least one removable medium loaded in the removable media device has changed” as recited in claim 1 of the present arrangement. The Office Action only cites Edmondson to show that checking a characteristic feature of the at least one removable medium has changed is performed repeatedly in case an error status has been detected. However, the cited portions and elsewhere of Edmondson are silent regarding the current loading status of a removable media device and thus, cannot teach or suggest “keeping the current loading status of the removable media device if the type of user input is not related to the removable media device” and “keeping the current loading status of the removable media device if the characteristic feature of the at least one removable medium loaded in the removable media device has not changed; and updating the current loading status of the removable media device if the characteristic feature of at least one removable medium loaded in the removable media device has changed” as recited in the present claimed arrangement. Therefore, the addition of Edmondson fails to render obvious independent claims 1 and 8 upon which claims 4 and 11 depend, respectively. Therefore, the combination of these references, similar to the individual systems, neither teaches nor suggests the features of the present claimed arrangement. Thus, claims 4 and 11 remain patentably distinct under U.S.C. §103(a) per MPEP §2143.03.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 4 and 11.

### **Conclusion**

Applicants respectfully submit that the pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103 rejections of the pending claims.

Having fully addressed the Examiner’s rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for

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allowance. Accordingly then, reconsideration for a notice of allowance is also respectfully solicited.

If there are any additional charges in connection with this requested amendment, and request for continued examination, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,  
SEE, Yee Kiat, et al.

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